

10/042,181  
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### REMARKS

Entry of this § 1.116 Response is proper. Since the Response narrows the issues for appeal, such a response does not raise a new issue requiring further search and/or consideration by the Examiner. As such, entry of this Response is believed to be proper and earnestly solicited.

Claims 1-14 and 24-39, all the claims presently pending in the application, stand rejected on prior art grounds.

With respect to the prior art rejections, claims 1-6, 8-10, 13, 14, 24-29, and 31-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yu, et al. (U.S. Patent No. 6,504,214). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yu, et al. Claims 11, 12 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yu, et al.

While Applicant respectfully submits that the claimed invention clearly distinguishes over the Examiner's cited references, Applicant notes that Yu, et al., does not qualify as prior art under 35 U.S.C. § 102(e), nor any other paragraph of § 102.

That is, Yu, et al., has an effective date for prior art purposes of January 11, 2002 (e.g., its U.S. filing date), which is the same date as the filing of the present application. Therefore, this reference was not filed "before" the "invention by the application for patent", as required by § 102(e), thereby rendering moot the Examiner's prior art rejections.

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## II. INFORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submit that claims 1-14 and 24-39, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above Application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

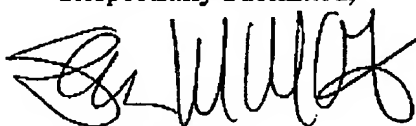
The commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Date: \_\_\_\_\_

9/3/03

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Respectfully Submitted,



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